

Amendment
Serial No.: 09/708,309
Inventor: Dewey Sadka

REMARKS

This Amendment, submitted in response to the Office Action mailed on July 2, 2002, is believed to be fully responsive to each point of rejection raised therein.

Applicants wish to thank the Examiner for the careful consideration given the application. Review and consideration is respectfully requested in view of the following remarks and amendments.

Briefly reviewing the Office Action, Claims 1, 2 and 4-15 are pending in the application. In paragraph 1, the Examiner withdraws the allowance of Claim 14 in view of a new rejection. In paragraph 2, the Examiner indicates the substitute drawings are acceptable. In paragraphs 3-6, Claims 2, 4, 6 and 8 are rejected for being indefinite under 35 U.S.C. § 112, second paragraph. In paragraphs 7-18, Claims 1, 2 and 4-14 are rejected under 35 U.S.C. § 103 for obviousness over *Darcy* in view of *Grunstein* and *Khanamirian*. In paragraph 19, the Examiner indicates Claim 15 is allowed.

In response to the § 112 rejection of Claims 2, 4 and 6, Applicant has amended Claim 1 to delete the prior amendment and to eliminate redundant claim language. Applicant asserts Claims 2, 4 and 6 now properly depend from amended Claim 1. In regard to the § 112 rejection of Claim 8, Applicant has amended Claim 8 to recite "said plurality of enhanced buoyancy regions" rather than "said plurality of raised portions" in line 1. Therefore, reconsideration of the § 112 rejections is respectfully requested

In response to the rejections under 35 U.S.C. 103(a), Applicant has amended independent Claims 1, 5, 13 and 14 to further distinguish the floatation suit of the present

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invention from the cited references. These independent claims are amended by deleting the prior amendments mailed by the Applicant's attorney on or about May 29, 2002, and then adding the language regarding the presence of flexion channels on the inner surface of the backsheet. These flexion channels are on the opposite side of the backsheet having the plurality of raised portions. These flexion channels are disclosed in Figs. 12B and 13B. The cited references do not disclose or suggest the combination of flexion channels on one side and the plurality of raised portion on the other of the same unitary flotation element. Reconsideration of the obviousness rejection is respectfully requested in view of the amendments to Claims 1, 5, 13 and 14.

In regard to the obviousness rejection of independent Claim 7, Claim 7 has also been amended in a manner similar to the other amended independent claims. However, the flexion channels are claimed in combination with a plurality of enhanced buoyancy regions rather than a plurality of raised portions. Reconsideration of the obviousness rejection of Claim 7 is respectfully requested.

Dependent Claim 8 is amended to delete "raised portions" and substitute therefor "enhanced buoyancy regions" in order to properly depend from Claim 7.

Applicant also asserts that the remaining pending dependent claims are at least allowable based upon their dependence from an allowable base claim. Reconsideration is respectfully requested.

New Claims 16 and 17 depend from Claim 7 and are directed to the use of flexion channels in combination with the plurality of enhanced buoyancy regions on opposite sides of the unitary flotation element. As claimed in Claim 16, at least one of the flexion channels

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on the back does not correspond with the articulation lines on the front formed between the plurality of enhanced buoyancy regions as shown in Figs.12A-B and 13A-B. Also, as claimed in Claim 17, the unitary floatation element can flex forward to a different degree than it can flex backward due to the orientation of the flexion channels on one side of the unitary floatation element relative the spacing between the enhanced buoyancy regions on the opposite side of the unitary floatation element. The cited art does not disclose providing different flexing capabilities based upon the direction in which the floatation element is bent. Applicant asserts that no new matter has been added. Examination of new Claims 16 and 17 is respectfully requested.

Applicant submits herewith a Petition for a one (1) Month Extension of Time for this response and authorizes the Commissioner to charge the cost for such extension to Deposit Account No. 20-1507. No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment, to Deposit Account No. 20-1507.

Based on the forgoing, it is submitted that the Claims comply with the Examiner's requirements and are now in condition for allowance. Should any minor points remain

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prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

By: _____


Wm. Brook Lafferty
Registration No. 39,259

Troutman Sanders LLP
600 Peachtree Street, N.E.
Suite 5200
Atlanta, Georgia 30308-2216
(404) 885-3470

APPENDIX A

Mark-Up Copy of Claims as Amended

1. (Twice Amended) A floatation swimsuit comprising:

a form-fitting torso covering, said form-fitting torso covering including a retaining pocket, a right arm covering, a left arm covering, a left leg covering, and a right leg covering;

a unitary floatation element for retention by said retaining pocket, said unitary floatation element including:

a backsheet comprising a layer of buoyant material having a thickness within a first predetermined range for providing general buoyancy to a wearer, said backsheet including an inner surface for presentation toward a wearer and an outer surface for presentation away from a wearer; and

a plurality of raised portions integrally carried by said backsheet in fixed relative positions for providing enhanced buoyancy to strategically selected areas of the wearer's body, each of said raised portions comprising a buoyant material having a thickness substantially greater than that of said backsheet and each of said raised portions extending outwardly from said outer surface of said backsheet;

[wherein said plurality of raised portions include an upper torso portion and a lower torso portion and said retaining pocket includes a sheet of fabric, said sheet of fabric being laminated to the outwardly disposed surface of said unitary floatation element to ensure that said fabric sheet closely matches the contours of said backsheet and enhanced buoyancy regions of said unitary floatation element]

wherein said inner surface of said backsheet includes at least one flexion channel for increasing flexibility.

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2. The floatation swimsuit of Claim 1, wherein said retaining pocket includes a sheet of fabric, said sheet of fabric being laminated to the outwardly disposed surface of said unitary floatation element to ensure that said fabric sheet closely matches the contours of said backsheet and enhanced buoyancy regions of said unitary floatation element.

4. The floatation swimsuit of Claim 1, wherein said plurality of raised portions include an upper torso portion and a lower torso portion.

5. (Twice Amended) A unitary floatation element for use in a floatation swimsuit, said floatation element comprising:

a backsheet contained within a torso covering including a right arm covering, a left arm covering, a left leg covering, and a right leg covering, said backsheet comprising a layer of buoyant material having a thickness within a first predetermined range for providing general buoyancy to a wearer, said backsheet including an inner surface for presentation toward a wearer and an outer surface for presentation away from a wearer;

a plurality of raised portions integrally carried by said backsheet in fixed relative positions for providing enhanced buoyancy to strategically selected areas of the wearer's body, each of said raised portions comprising a buoyant material having a thickness substantially greater than that of said backsheet and each of said raised portions extending outwardly from said outer surface of said backsheet;

[wherein said plurality of raised portions include an upper torso portion and a lower torso portion and said retaining pocket includes a sheet of fabric, said sheet of fabric being laminated to the outwardly disposed surface of said unitary floatation element to ensure that said fabric sheet closely matches the contours of said backsheet and enhanced buoyancy regions of said unitary floatation element]

wherein said inner surface of said backsheet includes at least one flexion channel for increasing flexibility.

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6. The floatation swimsuit of Claim 5, wherein said plurality of raised portions include an upper torso portion and a lower torso portion.

7. (Amended) A floatation swimsuit comprising:

a form-fitting torso covering including a right arm covering, a left arm covering, a left leg covering, and a right leg covering, said form-fitting torso covering including a distributed layer of buoyant material distributed substantially throughout for providing general buoyancy to the wearer, said distributed layer of buoyant material having a thickness in a first particular range; and

a plurality of enhanced buoyancy regions integrally carried by said distributed layer of buoyant material in fixed positions for providing enhanced buoyancy to strategically selected areas of the wearer's body, each of said enhanced buoyancy regions comprising a buoyant material having a thickness substantially greater than that of said distributed layer of buoyant material and extending outwardly therefrom;

wherein said buoyant material includes flexion channels for increasing flexibility, said flexion channels for presentation inward toward a wearer.

8. (Amended) The floatation swimsuit of Claim 7, wherein said plurality of **[raised portions] enhanced buoyancy regions** include an upper torso portion and a lower torso portion.

9. The floatation swimsuit of claim 7, further comprising a fastenable torso opening.

10. The floatation swimsuit of claim 9, wherein said fastenable torso opening includes a fastenable chest opening.

11. The floatation swimsuit of claim 9, wherein said fastenable torso opening includes a fastenable back opening.

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12. The floatation swimsuit of claim 9, where said fastenable torso opening includes a fastener selected from the group consisting of a zipper, a hook and loop fastener, a button, a snap, a tie, and a strap.

13. (Twice Amended) A method of manufacturing a floatation swimsuit comprising the steps of:

providing a form-fitting torso covering having an element retaining pocket, a right arm covering, a left arm covering, a left leg covering, and a right leg covering;

providing a unitary floatation element having a backsheet comprising a layer of buoyant material having a thickness within a first predetermined range and a plurality of raised portions integrally carried by said backsheet for providing enhanced buoyancy to strategically selected areas of the wearer's body, **said unitary floatation element further comprising at least one flexion channel for presentation toward the swimsuit wearer;**

[wherein said plurality of raised portions include an upper torso portion and a lower torso portion and said retaining pocket includes a sheet of fabric, said sheet of fabric being laminated to the outwardly disposed surface of said unitary floatation element to ensure that said fabric sheet closely matches the contours of said backsheet and enhanced buoyancy regions of said unitary floatation element]

positioning said unitary floatation element at a desired location adjacent said form-fitting torso covering; **and**

securing said unitary floatation element within said element retaining pocket.

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14. (Amended) A floatation swimsuit comprising:

a form-fitting torso covering, said form-fitting torso covering including a retaining pocket;

a unitary floatation element for retention by said retaining pocket, said unitary floatation element including:

a backsheet comprising a layer of buoyant material having a thickness within a first predetermined range for providing general buoyancy to a wearer, said backsheet including an inner surface for presentation toward a wearer and an outer surface for presentation away from a wearer, **said backsheet further comprising at least one flexion channel on said inner surface for providing flexibility**; and

a plurality of raised portions integrally carried by said backsheet in fixed relative positions for providing enhanced buoyancy to strategically selected areas of the wearer's body, each of said raised portions comprising a buoyant material having a thickness substantially greater than that of said backsheet and each of said raised portions extending outwardly from said outer surface of said backsheet;

wherein plurality of raised portions include an upper torso portion and a lower torso portion and said retaining pocket includes a sheet of fabric, said sheet of fabric being laminated to the outwardly disposed surface of said unitary floatation element to ensure that said fabric sheet closely matches the contours of said backsheet and enhanced buoyancy regions of said unitary floatation element.

15. (Allowed) A floatation swimsuit comprising:

a form-fitting torso covering, said form-fitting torso covering including a retaining pocket;

a unitary floatation element for retention by said retaining pocket, said unitary floatation element including:

a backsheet comprising a layer of buoyant material having a thickness within a first predetermined range for providing general buoyancy to a wearer, said backsheet including an inner surface for presentation toward a wearer and an outer

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surface for presentation away from a wearer; and

a plurality of raised portions integrally carried by said backsheet in fixed relative positions for providing enhanced buoyancy to strategically selected areas of the wearer's body, each of said raised portions comprising a buoyant material having a thickness substantially greater than that of said backsheet and each of said raised portions extending outwardly from said outer surface of said backsheet;

wherein said retaining pocket includes a sheet of fabric having an indicator dye which bleaches upon exposure to the elements to notify the wearer of degradation of the swimsuit components.

16. (New) The floatation swimsuit of Claim 7 wherein said buoyant material includes a plurality of said flexion channels on one side and at least one of said flexion channels does not correspond with portions of said buoyant material between said plurality of enhanced buoyancy regions extending outwardly from another side of said buoyant material.

17. (New) The floatation swimsuit of Claim 7 wherein said unitary floatation element flexes differently in opposite directions due to the varying thickness between said backsheet and said enhanced buoyancy regions on one side of said buoyant material and said flexion channel on the other side of said buoyant material, wherein the flexibility of said floatation swimsuit is enhanced while continuing to be form-fitting.